



1000 Vermont Avenue, NW
Suite 1100
Washington, DC 20005
Main: 202-296-8800
Fax: 202-296-8822
www.environmentalintegrity.org

May 21, 2019

Via FOIAonline submission.

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Freedom of Information Act request for Records Relating to EPA's National Air Emissions Monitoring Study

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the Environmental Integrity Project requests records held by the U.S. Environmental Protection Agency (EPA) relating to EPA's recent efforts to complete its National Air Emissions Monitoring Study (NAEMS) as described in a 2017 report from the EPA Office of Inspector General (OIG):

U.S. EPA Office of Inspector General, *Eleven Years After Agreement, EPA Has Not Developed Reliable Emission Estimation Methods to Determine Whether Animal Feeding Operations Comply With Clean Air Act and Other Statutes*, Report No. 17-P-0396 (Sep. 19, 2017) (hereinafter "OIG report").

More specifically, the Environmental Integrity Project requests, for the time period beginning on January 1, 2017, the following records:

1. "Quality Assurance Project Plan (QAPP) for evaluation of NAEMS data and completion of EEMs." *See* OIG report at 29.
2. Documents related to EPA Office of Air and Radiation (OAR) and/or EPA Office of Research and Development (ORD) determinations "about which EEMs can be completed and the appropriate schedule for their completion." *See* OIG report at 29.
3. All notifications from OAR to the EPA Office of Enforcement and Compliance Assurance (OECA) stating that it "cannot develop scientifically and statistically sound EEMs." *See* OIG report at 30.
4. All documents related to OECA notifying participants in the Animal Feeding operations Air Compliance Agreement that "it cannot develop EEMs for any emission source and pollutant combination." *See* OIG report at 32.

5. All documents related to the schedule for completing draft or final Emission Estimation Methodologies. *See* OIG report at 1 and 30.
6. All documents related to the “updated Call for Information requesting additional relevant VOC data” as described on EPA’s website at <https://www.epa.gov/afos-air/national-air-emissions-monitoring-study#naems-status>.

Format of Records

For purposes of this request, the term “records” means information of any kind, including, but not limited to, documents (handwritten, typed, electronic or otherwise produced, reproduced, or stored), letter, e-mails, facsimiles, memoranda, correspondence, notes, databases, drawings, graphs, photographs, minutes of meetings, electronic records of meetings, and any other compilation of data from which information can be obtained.

Claims of Exemption from Disclosure

If you regard any documents as exempt from required disclosure under FOIA, please exercise your discretion to disclose them nevertheless, keeping in mind that FOIA “is the most prominent expression of a profound national commitment to ensuring an open Government” and that “[a]ll agencies should adopt a presumption in favor of disclosure.” President Barack Obama, Memorandum For the Heads of Executive Departments and Agencies: Freedom of Information Act, 74 Fed. Reg. 4, 863 (Jan. 26, 2009).

In the alternative, after careful review for the purpose of determining whether any of the information is exempt from disclosure, please provide all reasonably non-exempt portions of records and communications as required by FOIA.

Should you elect to invoke an exemption, please provide the required full or partial denial letter and sufficient information to determine whether or not there may be grounds to appeal EPA’s decision. In accordance with the minimum requirements and regulations of due process, this information should include:

- Basic factual material, including the originator, date, length, and addresses of the withheld items.
- Explanations and justifications for denial, including the identification of the exemption applicable to the withheld information or portions of the information found to be subject to exemption, and how each exemption applies to the withheld material.

Waiving Request for Fee Waiver

This FOIA request meets the case-by-case requirements for a fee waiver, by satisfying each of the six factors which must be met to qualify for a fee waiver under EPA regulations

found at 40 C.F.R. § 2.107. However, although we are entitled to a fee waiver, we are waiving any request for a waiver of fees.

Opportunity to Provide Clarification

If I can provide any additional information or answer any questions that can help to clarify or limit this request, please do not hesitate to contact me at PHONE or via email at EMAIL.

Thank you for your assistance with this FOIA request, and I look forward to hearing from you.

Sincerely,

s/Abel Russ
Senior Attorney
Environmental Integrity Project
1000 Vermont Avenue NW, Suite 1100
Washington, DC 20005
802-482-5379
aruss@environmentalintegrity.org